

13.01.21
S.R.
Sl.102
Ct.28

CRM No.73 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Basirhat Police Station Case No.1138 of 2020 dated 17.10.2020 under Sections 448/326/307/354/376/506/34 of the Indian Penal Code;

And

In re: Sariful Molla ... petitioner.

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous ... for the petitioner.

Mr. Narayan Prasad Agarwala
Miss. Subhshree Patel ...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings and there are no incriminating materials against him. Upon completion of investigation charge sheet has already been filed and a co-accused has already been released on bail.

The learned advocate appearing for the State respondent opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sariful Molla**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the investigating officer once in a week until further orders on and from 15th January, 2021. It is further directed that the petitioner shall reside outside the jurisdiction of Bashirhat Police Station and inform his address to the officer-in-charge of Bashirhat Police Station.

The application for anticipatory bail being CRM No.73 of 2021 is, thus, allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)